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Attorneys for Defendant Northwest Airlines

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**DONALD WORTMAN, WILLIAM  
ADAMS, MARGARET GARCIA,**  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

**AIR NEW ZEALAND, ALL NIPPON  
AIRWAYS, CATHAY PACIFIC  
AIRWAYS, CHINA AIRLINES, EVA  
AIRWAYS, JAPAN AIRLINES  
INTERNATIONAL, MALAYSIA  
AIRLINES, NORTHWEST AIRLINES,  
QANTAS AIRWAYS, SINGAPORE  
AIRLINES, THAI AIRWAYS,  
UNITED AIRLINES,**

Defendants.

Case No. 07-CV-05634-CRB

**DECLARATION OF JOHN F. COVE, JR.  
IN SUPPORT OF JOINT STIPULATION  
PURSUANT TO LOCAL RULE 6-2 AND  
[PROPOSED] ORDER CONTINUING  
COURT-ORDERED DEADLINES**

The Honorable Charles R. Breyer

1 JOHN F. COVE, JR. hereby declares:

2 1. I am an attorney licensed to practice law in the State of California and a partner of  
3 the law firm Boies, Schiller & Flexner LLP, counsel for Defendant Northwest Airlines  
4 (“Defendant”). The matters set forth herein are within my personal knowledge, and if called upon  
5 and sworn as a witness I could competently testify regarding them.

6 2. On November 6, 2007, Donald Wortman, William Adams, and Margaret Garcia  
7 (collectively “Plaintiffs”) filed this purported class action, alleging violations of the antitrust laws  
8 with regard to passenger fares and fuel surcharges on transpacific airline routes. To date,  
9 Northwest Airlines is the only one of the 12 named defendants to have appeared in this matter.

10 3. On November 6, 2007, Magistrate Judge Elizabeth D. Laporte issued an Order  
11 Setting Initial Case Management Conference (and the deadlines triggered by such conference) in  
12 the instant action. The first deadline occurs on January 22, 2008.

13 4. Since the instant case was filed, at least 12 other similar actions have been filed in  
14 this district and elsewhere, based on virtually identical factual allegations and purporting to  
15 represent virtually identical classes.

16 3. Plaintiffs filed a motion with the Judicial Panel on Multidistrict Litigation  
17 (“JPML”), pursuant to 28 U.S.C. § 1407: (1) transferring all pending and future cases filed  
18 asserting similar or related claims to the instant action, to the United States District Court for the  
19 Northern District of California; and (2) consolidating any similar or related cases with the instant  
20 action.

21 4. The JPML has scheduled a hearing on the matter for January 30, 2008.

22 5. Given the length of time the JPML will likely require to resolve the pending  
23 motion, the efficiency in having one case management schedule set for consolidated actions  
24 rather than proceeding separately, and the desirability of having the court to whom the matter is  
25 ultimately assigned set its own case management schedule, Plaintiffs and Defendant agree that the  
26 dates set in the November 6, 2007 Order should be continued in order to conserve party and  
27 judicial resources.  
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